

Message Text

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ACTION DLOS-09

INFO OCT-01 ARA-10 ISO-00 ACDA-12 AGRE-00 AID-05
CEA-01 CEQ-01 CG-00 CIAE-00 COME-00 DODE-00
DOTE-00 EB-08 EPA-01 SOE-02 DOE-15 FMC-01 TRSE-00
H-01 INR-10 INT-05 IO-13 JUSE-00 L-03 NSAE-00
NSC-05 NSF-01 OES-09 OMB-01 PA-01 PM-05 SP-02
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E.O. 11652: N/A
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SUBJ: LOS: US-PERU BILATERALS, AUGUST 1

1. AMBASSADOR RICHARDSON ACCOMPANIED BY EMBASSY OFFICERS AND JAMES DISCUSSED LOS ISSUES IN DETAIL WITH AMBASSADOR WIELAND, COUNSELOR CHAVEZ SOTO AND OTHER PERUVIAN LOS EXPERTS ON AUG 1. SUBJECTS COVERED WERE: ORGANIZATION OF THE WORK OF THE RESUMED SESSION IN NEW YORK; SEABEDS; THE DEFINITION OF THE MARGIN; MARINE SCIENTIFIC RESEARCH AND MARINE MAMMALS.

2. RICHARDSON STATED THE US REASON FOR WISHING TO AVOID REOPENING THE GENEVA WORK AT THE RESUMED SESSION, NOTING THAT WE WOULD, HOWEVER, WISH TO GO ON RECORD SO THAT THERE WOULD BE NO MISUNDERSTANDING ABOUT OUR SUBSTANTIVE OBJECTIONS TO THE NJENGA TEXTS. WIELAND THOUGHT THIS WAS A SENSIBLE WAY TO PROCEED. THE PERUVIANS ALSO AGREED WITH RICHARDSON'S VIEW THAT NJENGA'S NEGOTIATING GROUP 1 SHOULD MOVE AHEAD AND DEAL WITH ANNEX II; THAT KOH'S NEGOTIATING GROUP 2 SHOULD

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CARRY ON, AND THAT NEGOTIATING GROUP 3 SHOULD NOT CONTINUE TO DISCUSS THE COUNCIL. WIELAND AGREED TACITLY AT LEAST THAT NG 4 AND 5 SHOULD NOT MEET, BUT THAT NG 6 SHOULD CONTINUE TO TRY TO FIND A FORMULA FOR THE DELIMITATION OF THE MARGIN. THE PERUVIANS DID NOT DEMUR WHEN RICHARDSON SAID WE SAW LITTLE PROSPECT OF NG 7 MAKING PROGRESS--EXCEPT PERHAPS ON DISPUTE SETTLEMENT, BUT THOUGHT IT WORTH LETTING IT HAVE A TRY.

3. SEABED ISSUES:

(A) PRODUCTION CONTROLS - RICHARDSON SAID THE EC NINE AND JAPAN DO NOT ACCEPT THE US-CANADIAN COMPROMISE ON PRODUCTION LIMITATION, BUT WE HOPE THEY WON'T REOPEN THE MATTER IN NEW YORK. WIELAND THOUGHT A STRONG EFFORT SHOULD BE MADE TO GET SUPPORT FOR THE COMPROMISE. CHAVEZ ADDED THAT PERU SUPPORTS THE COMPROMISE AND DOES NOT WANT IT REOPENED IN NEW YORK. IF IT WERE TO BE REVISED, IT WOULD BE A SETBACK AS FAR AS THE G-77 ARE CONCERNED. RICHARDSON HOPED THAT PERU WOULD HELP ON OTHER SEABEDS ISSUES IF THE COMPROMISE WERE TO HOLD. WIELAND DID NOT ANSWER DIRECTLY BUT COMMENTED THAT HE ASSUMED RICHARDSON WANTED TO PROMOTE A "VIRTUOUS CIRCLE."

(B) APPLICABILITY OF ANNEX II TO THE ENTERPRISE - RICHARDSON PRESSED THE PERUVIANS TO SAY WHETHER THEY AGREED THAT THE ENTERPRISE SHOULD BE SUBJECT TO THE SAME REQUIREMENTS AS PRIVATE CONTRACTORS UNDER ANNEX II. CHAVEZ DECLINED TO RESPOND, SAYING MERELY THAT PERU WANTED TO WAIT UNTIL THE MEETING OF THE G-77 IN NEW YORK BEFORE THE RESUMED SESSION; THEY ARE COORDINATOR OF C-I ISSUES AND PREFERRED NOT TO STATE A NATIONAL POSITION AT THIS TIME.

(C) BRAZIL CLAUSE - RICHARDSON SPELLED OUT US OBJECTIONS TO THE BRAZIL CLAUSE. IN REPLY WIELAND STATED MERELY THAT UP LIMITED OFFICIAL USE

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TO NOW PERU HAD SUPPORTED THE BRAZILIAN POSITION.

(D) CDS - THE PERUVIANS REACTED POSITIVELY WHEN RICHARDSON MENTIONED ZULETA'S IDEA OF CONVENING A GROUP OF EXPERTS GROUNDED IN COMPARATIVE LAW TO STUDY JUDICIAL REVIEW OF ACTIONS OF THE AUTHORITY AND ITS ORGANS. HE DEMURRED STRONGLY, HOWEVER, THAT THE GROUP SHOULD BE COMPOSED OF EXPERTS ACTING IN AN INDIVIDUAL CAPACITY. RATHER MEMBERSHIP OF THE GROUP SHOULD BE ON THE BASIS OF DELEGATIONS AND SHOULD BE OPEN ENDED. RICHARDSON PRESSED FOR A GROUP OF INDIVIDUALS WHO WOULD HAVE THE NECESSARY LEGAL EXPERTISE. IT WAS AGREED THAT THE COMPOSITION OF SUCH A GROUP REQUIRED MORE THOUGHT.

4. COMMITTEE II ISSUES:

(A) MARGIN - IN REPLY TO RICHARDSON'S QUESTION, WIELAND SAID PERU SUPPORTS THE ARGENTINE POSITION ON THE DELINEATION OF THE OUTER EDGE OF THE CONTINENTAL MARGIN. RICHARDSON NOTED THAT THERE WAS THEN NO PROBLEM ON THIS MATTER BETWEEN THE US AND PERU. THE REVENUE SHARING ASPECT WAS SUSCEPTIBLE OF COMPROMISE. HE STATED THAT THE US SUPPORTS THE IRISH FORMULA AND REVENUE SHARING. ALTHOUGH OUR INTEREST IN THE MATTER IS

LESS THAN THAT OF OTHERS, THE US WANTS TO DO WHAT WE CAN TO
HELP RESOLVE THIS ISSUE.

(B) LEGAL STATUS OF THE EXCLUSIVE ECONOMIC ZONE - CHAVEZ SAID
PERU WOULD PREFER THAT THIS ISSUE NOT BE DISCUSSED IN NEW YORK.
RICHARDSON ASKED WHETHER PERU ACCEPTED THE PRESENT LANGUAGE
OF THE ICNT OR DID THEY HAVE RESERVATIONS? CHAVEZ REPLIED
THAT THEY ARE STILL STUDYING THE ISSUE WITH THE COASTAL GROUP
AND THE TERRITORIALISTS. WHEN PRESSED, CHAVEZ CONCEDED THAT
PERU STILL HAS RESERVATIONS ABOUT THE ICNT TEXT. RICHARDSON
REPLIED TO A QUESTION THAT THE US CAN ACCEPT THE PRESENT TEXT.
WHILE WE SUPPORT THE SOVIET AMENDMENT TO ARTICLE 55, WE HOPE
IT WILL NOT BE PRESSED TO THE POINT WHERE IT BUILDS A NEGATIVE
RECORD OR UPSETS THE DELICATE BALANCE ALREADY ACHIEVED.
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5. DESPITE SETTLEMENT OF MARITIME BOUNDARIES - CHAVEZ ASKED
IF THE US INTENDED TO PURSUE THE IDEAS SOHN HAD PRESENTED AT
GENEVA ON DISPUTE SETTLEMENT OF BOUNDARY DISPUTES. RICHARDSON
SAID WE WERE NOT PURSUING THEM FOR US REASONS BUT TO FACILITATE
ACCOMMODATION OF DIFFERING VIEWS. WE THINK IT USEFUL FOR
SOHN TO CONTINUE THE WORK OF HIS INFORMAL GROUP, AND WE EXPECT
OTHERS WOULD AGREE. IN THIS CONNECTION, HE NOTED THE SUGGESTION
HE HAD MADE TO AGUILAR IN CARACAS ABOUT A METHOD OF EXCLUDING
AS OF A CERTAIN DATE DISPUTES WHICH COUNTRIES WISHED NOT TO
BE SUBJECT TO BINDING SETTLEMENT. THE PERUVIANS DID NOT
COMMENT ON THIS POINT.

6. PREAMBLE AND FINAL CLAUSES; REVISION ANF FORMALIZATION
OF ICNT - ALTHOUGH THE GENEVA DISCUSSIONS OF FINAL CLAUSES,
ESPECIALLY RESERVATIONS, HAD BEEN USEFUL, CHAVEZ AGREED THAT
PREAMBLE AND FINAL CLAUSES WERE NOT RIPE FOR DISCUSSION AT
NEW YORK. THE PERUVIANS ALSO SEEMED TO AGREE WITH RICHARDSON
THAT OUTSTANDING ISSUES SHOULD BE RESOLVED BEFORE ATTEMPTING
TO REVISE THE ICNT, THAT IS, ANY NEW FORMULATIONS WHICH EMERGE
IN NEW YORK SHOULD BE SUBJECT OF REPORTS AS AFTER THE GENEVA
SESSION. RICHARDSON ADDED THAT WE BELIEVE THAT WHEN THE TEXT
IS REVISED, WE SHOULD PROCEED QUICKLY TO FORMALIZATION AND
NOT ALLOW A LONG INTERVAL TO ENSURE, LEST THE TEXTS BE
UNRAVELLED. WITH THIS THE PERUVIANS SEEMED TO AGREE.

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R 022023Z AUG 78
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7. STATUS OF AMERASINGHE - WIELAND INQUIRED ABOUT THE STATUS OF AMERASINGHE. RICHARDSON SAID THE US BELIEVES THE ISSUE SHOULD BE RESOLVED BEFORE THE 8TH SESSION, PERHAPS ON THE BASIS THAT HE WOULD NOT SEEK TO CONTINUE TO BE PRESIDENT AFTER THE RESUMED SESSION AND THAT THE ASIANS WOULD PRESENT A CANDIDATE FOR APPROVAL BY THE 8TH SESSION. HE DID NOT THINK THE OPPONENTS OF AMERASINGHE'S PRESIDENCY WOULD TRY TO UNSEAT HIM AT THE RESUMED SESSION. THE US PLANS TO SEEK THE VIEWS OF THOSE COUNTRIES WHICH SEEM INCLINED TO RAISE IN THE FIFTH COMMITTEE OF THE UNGA, E.G. FRANKE ANCE AND USSR. IF THEY INTEND TO RAISE THE MATTER THERE, WE MIGHT CONCLUDE THAT AMERASINGHE SHOULD BE ASKED TO RECONSIDER HIS CONTINUATION IN OFFICE. RICHARDSON ADDED THAT THERE SHOULD BE A CLEAR DECISION BEFORE THE RESUMED SESSION ENDS ABOUT THE PRESIDENCY. WE MUST AVOID TIME CONSUMING, DISRUPTIVE DEBATES AT THE 8TH SESSION ON THE QUESTION. WIELAND SAID PERU SHARES THESE VIEWS.

8. MARINE SCIENTIFIC RESEARCH - RICHARDSON HANDED WIELAND THE SUGGESTED US AMENDMENTS TO THE MSR PROVISIONS OF THE ICNT,
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SAYING THAT WE HAVE NOT YET DECIDED TO PROPOSE THESE AMENDMENTS; WHETHER AND HOW WE DO SO WILL DEPEND ON THE REACTIONS WE GET FROM VARIOUS COUNTRIES TO WHICH THEY HAVE BEEN DISCUSSED. HE HOPED THE PERUVIANS WOULD STUDY THEM AGAINST THE CRITERIA OF WHETHER THEY SERVED TO CLARIFY THE TEXT AND WHETHER THEY SERVE THE INTERESTS OF THE WORLD COMMUNITY AND THEREFORE THE INTERESTS OF BOTH COASTAL STATES AND RESEARCHING STATES.

9. TURNING TO MARINE MAMMALS, RICHARDSON ASKED IF PERU COULD ACCEPT MODEST IMPROVEMENTS IN THE CURRENT TEXT WHICH WOULD PERMIT COASTAL STATES TO ESTABLISH STRICTER LIMITS ON WHALE CATCHES THAN THOSE SET BY AN INTERNATIONAL BODY. CHAVEZ EXPLAINED THAT PERU HAS ONE JAPANESE-PERUVIAN FIRM WHICH HUNTS AND PROCESSES WHALES. PERU IS NOT CURRENTLY A MEMBER OF THE IWC BUT PLANS TO JOIN BY OCTOBER OR NOVEMBER OF THIS YEAR. PERU FACES PROBLEM THAT IWC WILL PROBABLY SET ZERO QUOTA FOR SPERM WHALES FOR PERU WHICH CURRENTLY CONSTITUTE A THIRD OF ITS CATCH. WIELAND SAID GOP SIDES WITH THE ENVIRONMENTALISTS WHO WANT TO PROTECT WHALES, BUT "WE NEED TIME TO GET OUR AFFAIRS AT HOME IN ORDER." HE THEN ASKED FOR US SUPPORT FOR PERUVIAN POSITION AT FORTHCOMING MEETING OF SCIENTIFIC EXPERTS OF WHALING COMMISSION AT LA JOLLA, CALIFORNIA, IN NOVEMBER. PERU WILL PROPOSE THAT A SCIENTIFIC ASSESSMENT ON ACCEPTABLE SPERM WHALE CATCH IN SOUTH PACIFIC SHOULD BE PREPARED IN ORDER TO MAKE A CUT IN PERU'S CURRENT CATCH ACCEPTABLE DOMESTICALLY. THE GOP IN ANY CASE WILL ABIDE BY THE FINDINGS OF SUCH A STUDY. RICHARDSON REPLIED THAT THIS WAS SOMEWHAT OUT OF HIS AREA BUT THAT HE WOULD CONVEY GOP POSITION TO APPROPRIATE AUTHORITIES IN THE USG.
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